

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAY 20 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),
FM Table of Allotments
FM Broadcast Stations.
(Ft. Collins, Westcliffe and
Wheat Ridge, Colorado)

)
)
)
)
)
)
)

MB Docket No. 03-57
RM-10565

To: Chief, Audio Division

REPLY COMMENTS

Jacor Broadcasting of Colorado, Inc., the licensee of Station KTCL(FM),
Ft. Collins, Colorado, 1/ by its attorneys, 2/ hereby submits these Reply Comments regarding the
proposal set forth in the *Notice of Proposed Rule Making*, DA 03-627 (rel. March 14, 2003)
(the "NPRM") issued by the Assistant Chief, Audio Division in the above-captioned proceeding.
The *NPRM*, in response to the Petition, proposes to modify the Commission's Table of
Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to substitute
Channel 227C0 for Channel 227C at Ft. Collins, Colorado, and to reallocate Channel 227C0 to
Wheat Ridge, Colorado, along with the modification of the license of Station KTCL to specify
Wheat Ridge as its community of license; the *NPRM* also proposes the substitution of Channel

1/ The Petition for Rule Making dated June 11, 2002 (the "Petition") was filed by Tsunami
Communications, Inc. ("TCI"), as licensee of Station KTCL. As reflected in the Commission's
records, the licensee of Station KTCL is now Jacor Broadcasting of Colorado, Inc. ("Jacor" or
"Petitioner"), pursuant to a *pro forma* merger of TCI into Jacor, its parent, following
Commission approval. See FCC File No. BALH-20030820AAJ.

2/ It is requested that the record in this proceeding reflect that the undersigned counsel is
now representing Petitioner in this proceeding, in lieu of Mark N. Lipp, Esquire.

No. of Copies rec'd
List ABCDE

014

249A for vacant Channel 227A at Westcliffe, Colorado (collectively, the "*NPRM* Proposal"). The Petitioner, in its Petition and in its Comments dated May 5, 2003 (the "Comments"), has stated its intent to file an application for operation of Station KTCL on Channel 227C0 at Wheat Ridge if the *NPRM* Proposal is adopted.

In addition to Petitioner's Comments, Meadowlark Group, Inc. ("MGI") filed in this proceeding Comments and Counterproposal dated May 2, 2003 ("MGI Counterproposal"). The MGI Counterproposal seeks, *inter alia*, the allotment of Channel 248C to Creede, Colorado, which is inconsistent with the *NPRM* Proposal to modify the Westcliffe, Colorado allotment to Channel 249A. Moreover, the MGI Counterproposal is contingent on the downgrade of Station KRFX(FM), Channel 278C, Denver, Colorado, to a Class C0 station.

As discussed next, the MGI Counterproposal is procedurally deficient and must be rejected. Consequently, these Reply Comments are limited to addressing those matters raised in the MGI Counterproposal regarding the implementation of the *NPRM* Proposal. 3/

I. THE MGI COUNTERPROPOSAL MUST BE REJECTED. IT IS IMPERMISSIBLY CONTINGENT.

The MGI Counterproposal, at page 5, states that "[t]his Counterproposal requires that Station KRFX, Channel 278C, Denver, Colorado, be reclassified to a Class C0 facility." Indeed, MGI's "schematic" chart of its Counterproposal includes the proposed change to the Table of Allotments to substitute Channel 278C0 for Channel 278C at Denver. *See* MGI Counterproposal at 2. MGI correctly notes that "[r]eclassification cannot be requested in a

3/ In the event that the Commission nevertheless places the defective MGI Counterproposal on public notice for comment, the Petitioner reserves the right at such time to further comment on the MGI Counterproposal.

counterproposal.” *See id.* at 5. ^{4/} However, MGI mistakenly asserts that “we have no need to make such [reclassification of KRFX] request, since the Audio Division has already issued an Order to Show Cause . . . looking towards reclassification of Station KRFX as a Class C0.” *See id.* Specifically, MGI cites to the *Order to Show Cause, Reclassification of License of Station KRFX(FM), Denver, Colorado*, DA 03-585 (Ass’t Chief, Audio Div., rel. March 4, 2003) (“KRFX Order”). The *KRFX Order* was issued in response to an original petition for rule making filed by Akron Broadcasting Company seeking to amend the FM Table of Allotments by allotting Channel 279C1 at Akron, Colorado, and, to accommodate such allotment, requesting the reclassification of Station KRFX to Class C0. As acknowledged by MGI, Jacor, the licensee of Station KRFX (and the Petitioner here), filed a response to the *KRFX Order* stating that KRFX would file an application to maintain full Class C status, and that, in fact, such a minor modification application was filed by Jacor with the Commission on April 24, 2003. *See* MGI Counterproposal at 7; FCC File No. BPH-20030424AAO (the “KRFX Class C Application”).

MGI then launches into a long exposition as to perceived defects in the KRFX Class C Application. *See* MGI Counterproposal at 6-9. However, it is wholly irrelevant to *this proceeding* whether MGI believes the KRFX Class C Application sets forth adequate grounds to maintain Class C status. It is established Commission policy “not to accept

^{4/} In 1998 *Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, the Commission stated that “reclassification [from Class C to Class C0 in an allotment proceeding] may be initiated only through an original petition for rule making to amend the FM Table of Allotments, and not through comments or counterproposals.” 15 FCC Rcd 21,649 at ¶ 28 (2000). *See also* Note 2 to Section 1.420(g) of the Commission’s Rules (“The reclassification of a Class C station in accordance with the procedure set forth in NOTE 4 to § 73.3573 may be initiated through the filing of *an original petition* for amendment of the FM Table of Allotments.”) (emphasis added).

rulemaking proposals that are contingent on the licensing of facilities set forth in an outstanding construction permit or are dependent upon final action in another rulemaking proceeding.”

Saint Joseph, Clayton, Ruston, and Wisner, Louisiana, 18 FCC Rcd 22 at ¶13 (Ass’t Chief, Audio Div., rel. Jan. 8, 2003) (footnotes omitted). ^{5/} MGI itself acknowledges that its Counterproposal is contingent on the *KRFX Order* proceeding. Thus, as an impermissibly contingent counterproposal, the MGI Counterproposal is procedurally defective and must be rejected out of hand by the Commission.

II. THE *NPRM* PROPOSAL TO CHANGE THE FT. COLLINS ALLOTMENT AND THE KTCL LICENSE TO CHANNEL 227C0 AT WHEAT RIDGE SHOULD BE ADOPTED BY THE COMMISSION

As set forth in Petitioner’s Comments, the modifications presented by the *NPRM* Proposal would result in a preferential arrangement of allotments consistent with the *FM Allotment Priorities*, ^{6/} by providing Wheat Ridge with its first local transmission service, while not depriving Ft. Collins of local service. Nevertheless, the MGI Counterproposal attempts to disparage the *NPRM* Proposal by raising several alleged technical deficiencies. As discussed below, all of MGI’s points are legally and factually unavailing.

^{5/} See also *Carlisle, Irvine, and Morehead, Kentucky*, 12 FCC Rcd 13,181 at ¶ 4 (Allocations Br. 1997) (counterproposal is not “technically correct and substantially complete” at the time of filing when short-spaced to licensed site; “[p]roposals and counterproposals are supposed to be capable of being effectuated at the time they are granted and cannot be contingent upon future actions.”).

^{6/} See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

A. The Allotment Reference Coordinates for Station KTCL Operating on Channel 227C0 at Wheat Ridge Conform With Precedent for Allotment Proceedings

MGI observes that the allotment reference coordinates for Station KTCL on Channel 227C0 at Wheat Ridge are situated in Jefferson County, on the grounds of a golf club. *See* MGI Counterproposal at 9-10 and at Exhibit E. MGI asserts that the general manager of the golf club knows of no permission given for the erection of a tower. *Id.* Moreover, MGI opines that the allotment reference site is surrounded by residences and scenic preservation areas, the facility would require a minimum 400 meter tower and that Jefferson County zoning regulations generally preclude structures above 70 feet in height and require towers to be located away from residential areas. *Id.* Thus, contends MGI, Petitioner must demonstrate that it will be able to find a suitable site where the required antenna structure can be erected. *Id.*

MGI's assumptions as to the availability of the Wheat Ridge reference coordinates are wrong. As set forth in the attached Declaration of Leland M. Larsen (Exhibit A hereto), Petitioner has communicated – not with an employee of the golf course – but with the owner of the land where the Wheat Ridge reference coordinates are situated. The land owner is amenable to negotiating with Petitioner for use of the property as a transmitter site, thereby providing reasonable site assurance. *See id.* Furthermore, notwithstanding MGI's pessimistic view of tower construction in Jefferson County, the Jefferson County Planning Commission has recently approved the construction of a 730 foot broadcast tower in a location that is in view of residential areas. 7/

7/ *See* Exhibit B (excerpts from Jefferson County, Colorado website). With the Jefferson County Planning Commission approval having been granted on May 14, 2003 for this 730 foot tower, the matter will be presented to the Board of County Commissioners for final approval.

Moreover, the Wheat Ridge allotment is not a case where the area to locate the proposed station is unusually constrained. As demonstrated in the attached Technical Exhibit (Exhibit C), the area in which locate a transmitter site for Channel 227C0 at Wheat Ridge, consistent with the minimum spacing and community of license coverage requirements, is 3,328 square kilometers, and covers portions of Adams, Arapahoe, Boulder, Denver, Jefferson and Weld Counties.

It is well established that “[a]bsent a sufficiently compelling showing demonstrating that no sites complying with the Commission’s minimum distance separation and other technical requirements exist, the Commission’s concerns at the rule making stage do not generally require detailed showings concerning the availability and suitability of a specific transmitter site. Rather, we require a showing demonstrating only that such an area does exist.” *Key West, Florida*, 3 FCC Rcd 6423 at ¶ 4 (Policy and Rules Division 1988). ^{8/} With reasonable site assurance for the reference coordinates, as well as a massive 3,328 square kilometer area to locate Channel 227C0 at Wheat Ridge, MGI’s site availability arguments are inappropriate at the allotment stage. ^{9/}

^{8/} *Accord Pinckneyville, Illinois*, 47 FCC 2d 887 at ¶ 7 (1974) (“The question of whether a specific site is legally available and suitable is a matter to be more appropriately considered in connection with an application for a construction permit for the use of a channel.”).

^{9/} Likewise, MGI raises no cognizable issue concerning the Westcliffe reference coordinates. Specifically, MGI’s quibbles that the *NPRM* Proposal’s reference coordinates for Channel 249A at Westcliffe would require a taller tower or a more distant tower than the Channel 227A allotment, *see* MGI Counterproposal at Exhibit E, essentially concedes that there is no legal impediment to the construction of an adequate facility on Channel 249A. In any event, as demonstrated in the attached Technical Exhibit, there is a significant area – 128 square kilometers – in which to locate a facility serving Westcliffe on Channel 249A.

B. Station KTCL Does Not Provide Adequate Coverage to Wheat Ridge from Its Current Transmitter Site

MGI asserts that the license for Station KTCL could be modified to specify Wheat Ridge as the community of license, and that, without changing KTCL's current licensed transmitter site, Station KTCL would provide adequate community of license coverage to Wheat Ridge. *See* MGI Counterproposal at 9 and at Exhibit E.

While there are a vast number of locations from which KTCL could provide adequate service to Wheat Ridge, the current KTCL site is not one of them. MGI is incorrect that adequate 70 dBu service is provided to all of Wheat Ridge from Station KTCL's current, licensed transmitter site. As detailed in the attached Technical Exhibit, a Longley-Rice analysis shows that large areas of Wheat Ridge, with over 12,000 residents, do not receive 70 dBu or greater service from Station KTCL at its current transmitter site. Thus, the relocation of Station KTCL as proposed in the *NPRM* Proposal is necessary for Station KTCL to provide adequate service to the residents of Wheat Ridge. 10/

III. CONCLUSION

The MGI Counterproposal is fatally defective for being contingent on the outcome of another rule making proceeding and/or for initiating a Class C0 downgrade in the scope of a counterproposal. The *NPRM* Proposal to allot Channel 227C0 at Wheat Ridge,

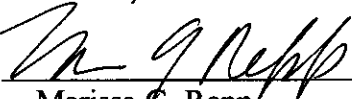
10/ Because of the inadequate service that Station KTCL provides to Wheat Ridge from its current, licensed site, Petitioner does not consent to a modification of the FM Table of Allotments or the modification of Station KTCL's license to Wheat Ridge based on the KTCL license coordinates. Without the affected station's consent, the Commission will not impose a community of license or transmitter site change. *See, e.g., Parker, Arizona*, 17 FCC Rcd 9578 at ¶ 3 (Ass't Chief, Audio Div. 2002).

Colorado, in lieu of Channel 227C at Ft. Collins, Colorado, and to substitute Channel 249A for Channel 227A at Westcliffe, Colorado, should be adopted by the Commission. Adoption of the *NPRM* Proposal would further the Commission's *FM Allotment Priorities* by providing a first local transmission service at Wheat Ridge, an incorporated city of 32,913 people. Moreover, the *NPRM* Proposal meets the Commission's technical criteria. With an area to locate of over 3,300 square kilometers, there is no issue of site availability for Channel 227C0 at Wheat Ridge. Moreover, MGI's assertion that Station KTCL could adequately serve Wheat Ridge from its current, licensed transmitter site is inaccurate – in fact significant areas, with over 12,000 residents, of Wheat Ridge do not receive community-grade coverage from Station KTCL's licensed facilities.

For the foregoing reasons, and for the reasons set forth in the Petition, Comments and *NPRM*, the Commission should adopt the *NPRM* Proposal, and implement the proposed modifications of the FM Table of Allotments and of Station KTCL's license pursuant to Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

**JACOR BROADCASTING OF
COLORADO, INC.**

By: 
Marissa G. Repp

HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-6845

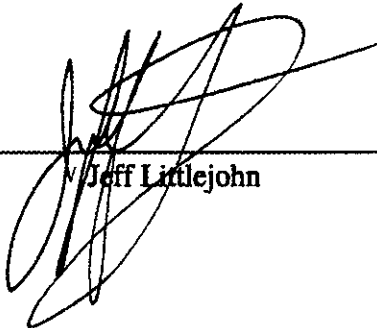
Its Attorneys

May 20, 2003

DECLARATION

I, Jeff Littlejohn, declare as follows:

1. I am Senior Vice President of Jacor Broadcasting of Colorado, Inc. ("Jacor").
2. I have reviewed the foregoing Reply Comments of Jacor in MB Docket No. 03-57 and hereby declare, under penalty of perjury, that the statements set forth therein are true and accurate to the best of my knowledge, information and belief.



Jeff Littlejohn

Executed this 20th day of May, 2003.

EXHIBIT A

Declaration of Leland M. Larsen

DECLARATION

I, Leland M. Larsen, hereby declare, under penalty of perjury, that the following is true and accurate to the best of my knowledge, information and belief:

1. I am Regional Vice President – Rocky Mountain Region and Market Manager – Denver for Clear Channel Communications, Inc., the ultimate parent of Jacor Broadcasting of Colorado, Inc. ("Petitioner").
2. I have communicated with Leo Bradley, the owner of the land where the Petitioner's reference coordinates for the allotment of Channel 227C0 at Wheat Ridge, Colorado, are situated. Mr. Bradley is amenable to negotiating with Petitioner for use of that property as a transmitter site.



Leland M. Larsen

Executed this 19th day of May, 2003.

EXHIBIT B

Excerpts from Jefferson County, Colorado Website

Jefferson County is a great place
and we're **planning** to keep it that way

100 Jefferson County Parkway, Golden, Colorado 80419 • 303-271-8700

Jefferson County
Colorado
**Planning &
Zoning**

---General Info

Search

☒ All Jeffco ☐ This Department

[General Info](#)
[Programs](#)
[Guides](#)
[Regulations](#)
[Community and
Land Use Plans](#)
[Reports](#)
[Downloads](#)

5:30 - 6:00 p.m. Agenda Review Session in Conference Room
1566/1567

Jefferson County Planning Commission

Jefferson County, Colorado
Jefferson County Planning and Zoning Department

100 Jefferson County Pkwy
Golden, Colorado 80419
303-271-8700

Hearing Room #1
Wednesday, April 30, 2003, 6.00 p.m.



Adoption of Minutes



CONSENT AGENDA:

Preliminary-Final Combination Plat — New

Case Number: 02015085CFP1 Approved

Applicant: David H. and Michelle A. Dossett

Plat Name: Deer Run Estates

Location: 15020 West 58th Avenue

Purpose: To subdivide the property into three residential lots for single family detached units.

Zoning: Planned Development

Approximate Area: 3.4 Acres

Case Manager: Charles Barthel

REGULAR AGENDA:

Rezoning — Continued from April 9, 2003

Case Number: 02-111694RZ Continued to 5/7/03

Applicant: Lake Cedar Group, LLC

Location: 21119 Cedar Lake Road

Map Number: 107

From: Mountain Residential-One and Agricultural-Two

To: Planned Development

Purpose: Rezone to allow a telecommunications facility.

Approximate Area: 81.51 Acres

Case Manager: Susan Wood

Emergency items and other public business for which notices were not possible may be considered.

5:30 – 6:00 p.m. Agenda Review Session in Conference
Room 1568

Jefferson County Planning Commission

Jefferson County, Colorado
Jefferson County Planning and Zoning Department
Hearing Room #1
Wednesday, May 7, 2003, 6:00 p.m.

Adoption of Minutes

Rural Cluster

Case Number: 02-105348RC Approved

Applicant: Pine Gulch Development Group, LLC

Location: 15156 Pine Valley Road

Purpose: To create residential lots and a conservation easement.

Zoning: Agricultural-Two

Approximate Area: 1341.61 Acres

Case Manager: Michael Smyth

Case Number: 02-111694RZ Continued to 5/14/03

Applicant: Lake Cedar Group, LLC

Location: 21119 Cedar Lake Road

Map Number: 107

From: Mountain Residential-One and Agricultural-Two

To: Planned Development

Purpose: Rezone to allow a telecommunications facility.

Approximate Area: 81.51 Acres

Case Manager: Susan Wood

Continued from: April 30, 2003

Emergency items and other public business for which notices were not possible may be considered.

**5:30 – 5:40 p.m. Briefing by Lor Pellegrino on Special
Districts**

5:40 – 6:00 p.m. Agenda Review Session in Conference
Room 1568

Jefferson County Planning Commission

Jefferson County, Colorado
Jefferson County Planning and Zoning Department
Hearing Room #1
Wednesday, May 14, 2003, 6:00 p.m.

Adoption of Minutes

Zoning Resolution Amendments – New
Case Number: 03-102529AM

Approved Purpose: Revisions to the Zoning Resolution, Land Development Regulation, Storm Drainage Design and Technical Criteria Manual and Policy and Procedure Amendments regarding changes to the floodplain regulations and adoption of the floodplain maps.
Case Manager: Tim Carl

Case Number: 02-111694RZ

Approved Applicant: Lake Cedar Group, LLC

Location: 21119 Cedar Lake Road

Map Number: 107

From: Mountain Residential-One and Agricultural-Two

To: Planned Development

Purpose: Rezone to allow a telecommunications facility.

Approximate Area: 81.51 Acres

Case Manager: Susan Wood

Continued from: May 7, 2003



Emergency items and other public business for which notices were not possible may be considered.

1:00 – 1:30 p.m. Agenda Review Session in Conference
Room 1568

Jefferson County Planning Commission

Jefferson County, Colorado
Jefferson County Planning and Zoning Department
Hearing Room #1

Wednesday, May 21, 2003, 1:30 p.m.

No hearing is scheduled.

1:00 – 1:20 p.m. Agenda Review Session in Conference
Room 1568

**1:20 – 1:30 p.m. Briefing by Jean Schwartz on the North
Plains Community Plan**

Jefferson County Planning Commission

Jefferson County, Colorado
Jefferson County Planning and Zoning Department
Hearing Room #1

Wednesday, May 28, 2003, 1:30 p.m.

Adoption of Minutes

Site Approval – New

Case Number: 03-105199SA

Applicant: Foothills Park and Recreation District

Jefferson County is a great place
and we're **planning** to keep it that way

100 Jefferson County Parkway, Golden, Colorado 80419 • 303.271.8700

Jefferson County
Colorado
**Planning &
Zoning**

---General Info

Search

☒ All Jeffco ☐ This Department

Lake Cedar Group Lookout Mountain Tower Rezoning Proposal

Case No. 02-111694RZ

[General Info](#)
[Programs](#)
[Guides](#)
[Regulations](#)
[Community and
Land Use Plans](#)
[Reports](#)
[Downloads](#)

Applicant

The Lake Cedar Group

Applicant's Representative

The Grinnell Group

Site Location

Cedar Lake Road and Colorow Road

Proposal Summary

The applicant is requesting to rezone approximately 82 acres on Lookout Mountain to planned development. The purpose of this planned development would be to allow for the removal of four existing telecommunications broadcast towers ranging in height from 213' to 843' and the consolidation of their broadcast facilities on one new 730' broadcast tower. This proposal also includes the removal of three existing equipment buildings and the consolidation of their facilities into one proposed building with a maximum gross floor area of 25,500 square feet.

Copies of all application materials are publicly available. Hardcopies may be viewed by appointment or digital copies may be purchased at the Jefferson County Planning and Zoning Department. The cost is \$5 per CD.

Also available for review or purchase is the Canyon Area Residents for the Environment (CARE) response to the application.

As both the application materials and the CARE response data files are too large to post to the web, their indices are

100 Jefferson County Pkwy
Golden, Colorado 80419
303-271-8700



provided for initial reference:

Application Exhibits on File

1. Zoning application form
2. Project Narrative
3. ODP Drawings
4. Site Plan, Landscape Plan, and Elevation Drawings
5. Written Restrictions
6. Photographic Simulations
7. Visual Study
8. Contact List
9. Deed and Title Commitment
10. Powers of Attorneys
11. Colorado Historical Society Letter
12. Vicinity Map
13. Analysis of Area to be Rezoned
14. Environmental Assessment
15. Proof of Service
16. Engineering Report Describing Tower and Antennas
17. Lookout Mountain RF Emissions Study
18. Letter of Intent to Allow Collocation.
19. Evidence of Collocation Efforts
 - A. Antenna Specifications
 - B. Letters of Inquiry
 - C. Written Responses
 - D. Alternate Site Analysis
 - E. Translator and Repeater Study
20. Compliance Summary Matrix
21. Traffic Analysis Letter

CARE Response Index

Cover Letter

Overview

I. Sections

1. RF Increase
2. Set Back Violation
3. Zoning History
4. Nonconforming
5. Alternative Sites Exist
6. Aesthetics
7. Health Risks
8. Interference Increase
9. Economic Harm
10. Zoning Violations
11. Conclusion

II. Exhibits

Steps Taken To Date

- Community Meetings
- Open Houses: 4/2/02, 4/3/02, 4/4/02

- Formal Meeting: 4/16/02
- Formal Submittal: 7/15/02

Steps Remaining

- Application currently under review
- Additional reviews and re-submittals as necessary
- Planning Commission Hearings to be determined
- Board of County Commissioners hearings to be determined

Staff Comments will be posted on this site after staff completes its review.

[Top](#)

[How to Reach Us](#) | [Site Map](#) | [Home](#)

Send mail to harrisdr@co.jefferson.co.us with questions or comments about this Web Site.

Copyright © 2000, Jefferson County, Colorado. All rights reserved.

Last modified: 9/26/02

EXHIBIT C

Technical Exhibit

TECHNICAL EXHIBIT

REPLY COMMENTS IN SUPPORT OF
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS

MB DOCKET NO. 03-57
FT. COLLINS, WESTCLIFFE AND WHEAT RIDGE, COLORADO

Technical Narrative

This technical narrative and accompanying Figures have been prepared on behalf of Jacor Broadcasting of Colorado, Inc. ("Jacor") in support of reply comments in the matter of proposed amendments to the FM Table of Allotments at Ft. Collins, Westcliffe, and Wheat Ridge, Colorado.

Table of Figures Accompanying this Exhibit

- | | |
|----------|--|
| Figure 1 | Area to Locate study for Proposed Channel 227C0 at Wheat Ridge, Colorado. |
| Figure 2 | Area to Locate study for Proposed Channel 249A at Westcliffe, Colorado. |
| Figure 3 | Longley-Rice Study of 70 dBu Service to Wheat Ridge, Colorado, provided by the KTCL Currently Licensed Facility. |

Area to Locate Study for Channel 227C0 at Wheat Ridge, CO.

The attached *Figure 1* is a map depicting the available area in which a class C0 facility operating on channel 227 could be located, in compliance with the distance separation table in Section 73.207 of the Commission's Rules, while providing the required 70 dBu coverage to all (100%) of Wheat Ridge.¹

The 70 dBu Coverage Limit was computed using the FCC's "Flat Earth" method as is generally accepted at the allotment stage. The distance to the class C0 70 dBu reference contour is 59 kilometers. Accordingly, an arc was drawn from the south-westernmost point of the Wheat Ridge boundary, to insure that any stations located within that arc to the northeast would provide full 70 dBu service to all of Wheat Ridge. The limit in the southwest direction is set by the required separations to various other FM operations.

This study demonstrates that there is an area of 3,328 square kilometers in which a transmitter site for a station serving Wheat Ridge, Colorado on channel 227C0 may be located.

Area to Locate Study for Channel 249A at Westcliffe, CO.

The attached *Figure 2* is a map depicting the available area in which a class A facility operating on channel 249 could be located, in compliance with the distance separation table in Section 73.207 of the Commission's Rules, while providing the required 70 dBu coverage to all (100%) of Westcliffe.²

¹ The Allocations Spacing study which generated the distances demonstrated in the map was submitted as a part of the technical exhibit in support of the original Petition for Rulemaking.

² The Allocations Spacing study which generated the distances demonstrated in the map was submitted as a part of the technical exhibit in support of the original Petition for Rulemaking.

The 70 dBu Coverage Limit was computed using the FCC's "Flat Earth" method as is generally accepted at the allotment stage. The distance to the class A 70 dBu reference contour is 16.1 kilometers. Accordingly, an arc was drawn from the north-easternmost point of the Westcliffe boundary, to insure that any stations located within that arc to the southwest would provide full 70 dBu service to all of Westcliffe. The limit to the north is set by the required separations to KKFM, and an allotment on channel 248A at Poncha Springs.

This study demonstrates that there is an area of 128 square kilometers in which a transmitter site for a station serving Westcliffe, Colorado on channel 249A may be located.

Service to Wheat Ridge, Colorado from Currently Authorized
KTCL Transmitter Site.

It is proposed that channel 227C0 be allotted such that Wheat Ridge, Colorado, is provided with its first local aural transmission service. Due to the mountainous terrain in the area, some sites that might appear on cursory inspection to provide the requisite 70 dBu service to this city, in fact are deficient. This is the case with the currently licensed KTCL site. Locating the transmitter at a site that will provide viable service to all of the Wheat Ridge population will require Jacor to relocate the KTCL facility.

Attached as *Figure 3* is a map, generated utilizing the Longley-Rice methodology, depicting in detail signal levels of 70 dBu and above in green, and 69 - 60 dBu in yellow. A 9 meter receive antenna, and full 100 kW ERP (164 kW EIRP) were assumed. While 20,229 Wheat Ridge residents do receive 70 dBu or better coverage from the currently licensed KTCL facility, 12,684 residents do not.

The Wheat Ridge city limits are also depicted in *Figure 3*, as drawn from the T.I.G.E.R. reference data.

Population and Area

The population within each service area was calculated using a computer program that utilizes the 2000 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid lies within each service area.

Respectfully submitted,



Stephen G. Davis
Senior Vice President
Jacor Broadcasting of Colorado, Inc.

2625 South Memorial Drive, Suite A
Tulsa, Oklahoma 74129
(918) 664-4581

May 19, 2003

Figure 1

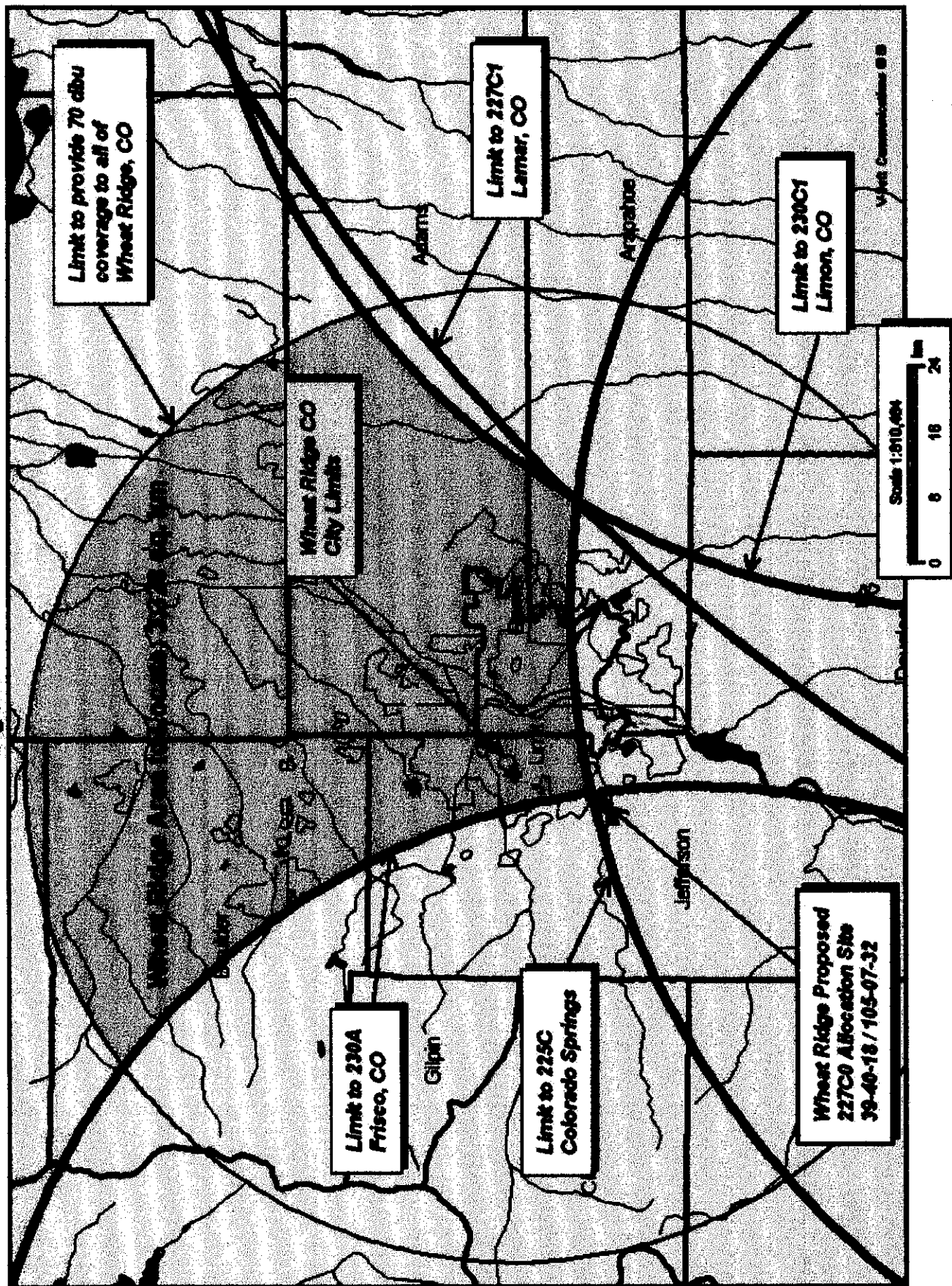
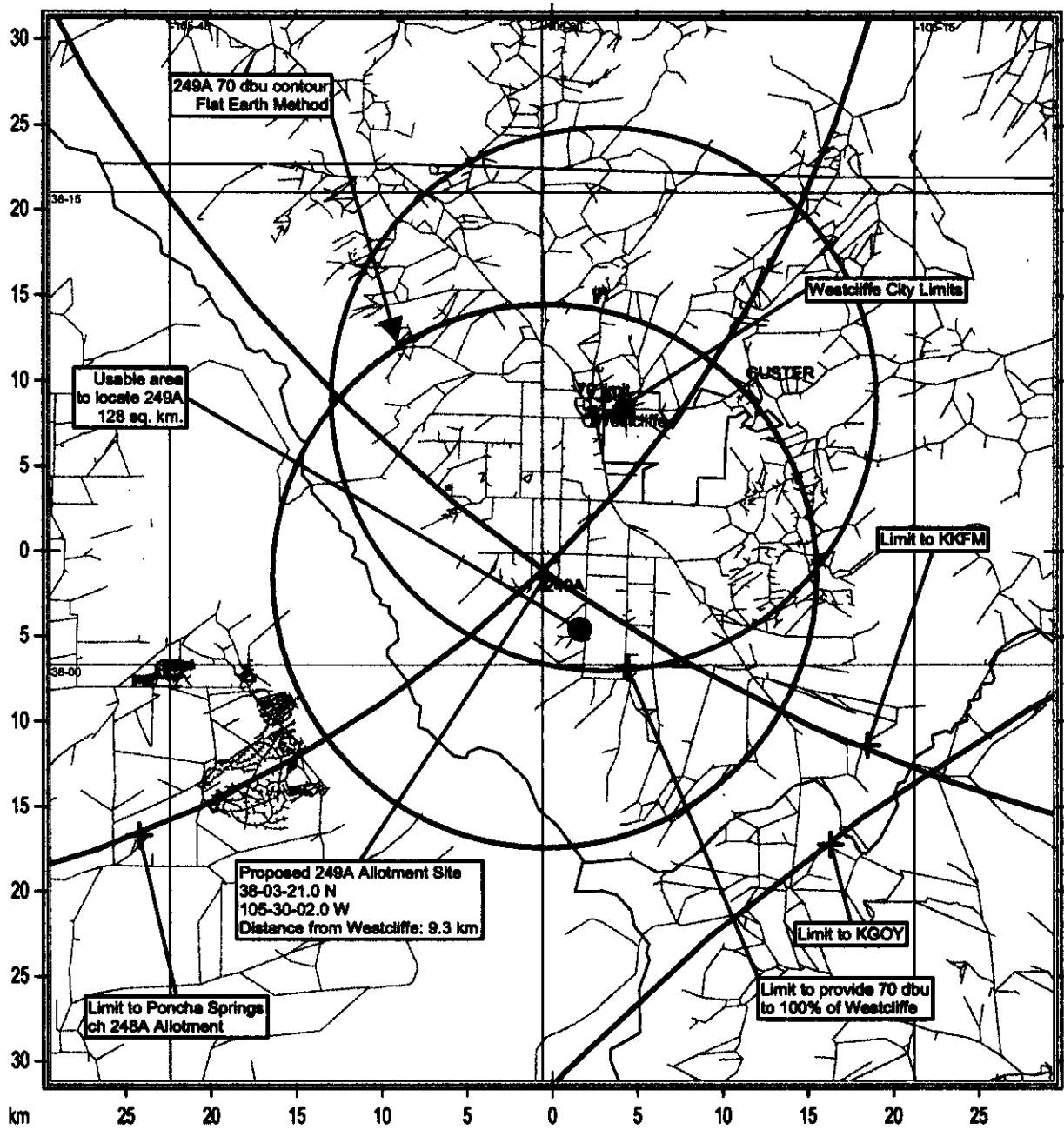


Figure 2: Area to Locate Channel 249A



County Borders
 State Borders
 City Borders
 Highways
 Streets
 Lat/Lon Grid

Figure 3: Current KTCL Service to Wheat Ridge, Colorado

KTCL

BLH19960530KA

Latitude: 40-05-47 N

Longitude: 104-54-04 W

ERP: 100.00 kW

EIRP: 164.00 kW

Channel: 227

Frequency: 93.3 MHz

AMSL Height: 1864.0 m

Elevation: 1550.0 m

Horiz. Pattern: Directional

Vert. Pattern: No

Prop Model: Longley/Rice

Climate: Cont temperate

Conductivity: 0.0050

Dielec Const: 15.0

Refractivity: 311.0

Receiver Ht AG: 9.0 m

Receiver Gain: 0 dB

Time Variability: 50.0%

Sit. Variability: 50.0%

ITM Mode: Broadcast

- 70.0 dBu
- 60.0 - 70.0
- 40.0 - 60.0

Yellow: 60 - 69 dbu

12,684 Wheat Ridge residents within

Green: 70+ dbu

20,229 Wheat Ridge residents within

Wheat Ridge City Limits

Scale 1:50,678

0 0.7 1.4 2.1 km

CERTIFICATE OF SERVICE

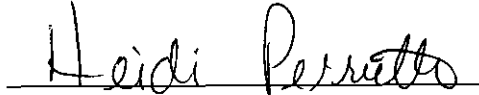
I, Heidi Perriello, hereby certify that on this 20th day of May, 2003, a copy of the foregoing Reply Comments was sent by first-class mail, postage prepaid, to:

Peter H. Doyle, Chief*
Audio Division
Media Bureau
Federal Communications Commission
445 – 12th Street, S.W.
Room 2A-320
Washington, DC 20554

John A. Karousos*
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
445 – 12th Street, S.W.
Room 3A-266
Washington, DC 20554

Ms. Kathleen Scheuerle*
Audio Division, Media Bureau
Federal Communications Commission
445 – 12th Street, S.W.
Room 3C-312
Washington, D.C. 20554

Lauren A. Colby, Esq.
Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113
Counsel for Meadowlark Group, Inc.


Heidi Perriello

*By Hand Delivery